

ARTICLE 5 - RACETRACK OFFICIALS

112-5-1. Horse racetrack officials and backup officials; prohibited interests; responsibility; accountability; identification and approval; unavailability. (a) Unless otherwise ordered by the commission, racetrack officials at a race meet for horses shall be as follows:

- (1) the starter;
- (2) the paddock judge;
- (3) the patrol judges;
- (4) the placing judges;
- (5) the clerk of scales;
- (6) the racing secretary;
- (7) the mutuel manager;
- (8) the "horsemen's bookkeeper";
- (9) the identifier; and
- (10) any backup to any of these positions.

(b) An individual, and each member of the individual's family as defined in K.S.A. 1994 Supp. 74-8810(c), who owns a horse or has a financial interest in a horse entered at a race meet, shall not serve as a racetrack official at the meet. A lessee or lessor of a horse shall be deemed to have a financial interest in the horse.

(c) Each racetrack official shall be strictly responsible to the commission for the performance of that official's duties and shall promptly report to the commission or the stewards any violation of the regulations of which the official has knowledge. Each racetrack official who fails to perform the official's duties shall be discharged by the stewards.

(d) Each employee of the racing and mutuel departments at a racetrack facility shall be an employee of the organization licensee and shall be accountable to the board of directors of the organization licensee. An organization licensee or facility manager licensee shall not, either by contract or agreement, diminish the organization licensee's ultimate responsibility to conduct the races and the parimutuel system of wagering. However, any organization licensee may execute a contract or agreement with a facility manager licensee that permits the delegation of day-to-day management over the conduct of races and the parimutuel system of wagering.

(e) Each racetrack official and each backup racetrack official shall be approved by the stewards and the commission before the official assumes any race meet duties. Each organization licensee shall

submit a list identifying each racetrack official and each backup racetrack official to the commission 30 days before the first day of the race meet for which the racetrack officials are to serve.

(f) Notwithstanding the provisions of K.A.R. 112-3-19(c), if a racetrack official is unavailable or unable to serve at a particular performance, and no backup racetrack official is available to serve, the organization licensee shall appoint a substitute, subject to the approval of the stewards, to serve for that performance only. (Authorized by K.S.A. 1995 Supp. 74-8804; implementing K.S.A. 1995 Supp. 74-8804, K.S.A. 1995 Supp. 74-8813 and K.S.A. 1995 Supp. 74-8818; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended March 19, 1990; amended Aug. 9, 1996.)

112-5-2. Commission officials, stewards. (a) Each licensee and each individual attending horses during a race meet shall conduct the licensee's and individual's activities under the general authority and supervision of the stewards. The stewards may interpret any of these racing regulations, and the stewards may order any appropriate action not expressly authorized by these racing regulations in order to ensure a fair race and to protect the best interests of racing.

(b) The stewards shall determine each matter regarding entry, eligibility and racing. The stewards shall supervise each entry, declaration and scratch.

(c) If a vacancy occurs among the stewards, the chief steward shall immediately appoint a substitute. If the chief steward is absent, the senior associate steward shall make the appointment. The stewards shall immediately report each substitution to the commission office.

(d) The stewards' jurisdiction over any matter shall commence 72 hours before any entry is taken for the first day of racing at the meet and shall extend until 30 days after the last day of the meet. If a dispute arises during a race meet that is not settled within the stewards' 30-day jurisdiction, the authority of the stewards may be extended by the commission until the matter is resolved or until it is referred or appealed to the commission.

(e) Any occupation licensee may be penalized by the stewards or the commission in accordance with the Kansas parimutuel racing act and the Kansas

administrative procedure act. At the direction of the commission, all of the stewards, or any of them, may conduct summary adjudicative hearings in accordance with the Kansas administrative procedure act.

(f) The stewards shall immediately report each penalty to the commission.

(g) The stewards may suspend any horse from participating in races for a period of time determined by the stewards if the horse does not meet the requirements of, or has been involved in any violations of these racing regulations or any provisions of the Kansas parimutuel racing act.

(h) Any matter within the jurisdiction of the stewards may be referred by the stewards to the commission with or without recommendation.

(i) The stewards shall maintain a detailed written account of each question, dispute, protest, complaint and objection. The stewards shall prepare and submit a daily report to the executive director within 72 hours of the race date that is the subject of the report. The report shall detail each raceday's activities, including:

- (1) each foul and disqualification;
- (2) each disciplinary hearing;
- (3) each suspension;
- (4) the conduct of each race;
- (5) each interruption and delay; and
- (6) the condition of the racetrack facility.

(j) A qualified person shall test or examine each horse that has entered a race or that has run in a race when ordered by the stewards. The stewards may examine any ownership papers, certificates, documents of eligibility, contracts or leases pertaining to any horse at the racetrack facility.

(k) If the stewards determine a race or races cannot be conducted in accordance with the regulations, the stewards shall cancel that race or those races. If a mechanical failure or any interference during the running of any race affects the horses in the race, the stewards may declare the race a no contest. If no horse covers the course of the race, the stewards shall declare the race a no contest.

(l) Any horse's trainer may select a substitute jockey if the jockey who is named to ride the horse in a race is unable to fulfill the jockey's engagement and is excused by the stewards. Each trainer shall secure a jockey for the trainer's entered horse. If no substitute jockey is available, the stewards may

scratch the horse from the race. If the stewards scratch a horse, no individual shall be entitled to any refund of nomination, sustaining, penalty payments or entry fees. The stewards may place any horse in the temporary care of any trainer the stewards select if the trainer of a horse is absent. However, the owner and the substitute trainer shall approve the horse's entry or competition in a race before the horse is allowed to enter or race. Each substitute trainer shall sign the entry card.

(m) The stewards shall maintain a list that identifies the horses that are ineligible to be entered in any race because of poor or inconsistent performance, which includes but is not limited to failing to maintain a straight course or causing a hazard to the safety of any participant. The stewards shall refuse entry to each horse on the stewards' list until the horse has demonstrated to the stewards or their representatives that the horse can race safely. (Authorized by K.S.A. 1994 Supp. 74-8804, as amended by L. 1995, Ch. 255, Sec. 8; implementing K.S.A. 1994 Supp. 74-8804, as amended by L. 1995, Ch. 255, Sec. 8, 1994 Supp. 74-8818 and 74-8816; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended March 19, 1990; amended March 8, 1996.)

112-5-3. The starter. (a) Each starter shall have complete jurisdiction over the starting gate and the starting of each horse. Any starter may issue orders to ensure each participant an equal opportunity to a fair start.

(b) Each starter shall appoint assistants. However, the starter shall not permit the assistants to handle or take charge of any horse in the starting gate without the starter's express permission. If the assistant starters are unavailable to head a horse, the horse's trainer shall be responsible to provide qualified individuals to head or tail a horse in the starting gate. Each starter shall establish qualifications for and maintain a list of qualified individuals approved by the stewards who may head or tail a horse in the starting gate. Each assistant starter or individual handling a horse at the starting gate shall not impede the start of the race, whether intentionally or otherwise. Only the jockey, starter, assistant starter or header handling the horse at the starting gate may be permitted to strike a horse in an attempt to load the horse in the starting

gate. Only each jockey shall slap, boot or otherwise attempt to dispatch the horse the jockey is riding from the starting gate.

(c) Each starter shall maintain a starter's list of each horse that is ineligible to be entered in any race because of poor or inconsistent performance in the starting gate. Each horse on the starter's list shall be refused entry until it has demonstrated to the starter or the starter's representative that it has been satisfactorily schooled in loading in the gate. Each starter or the starter's representative shall directly supervise the schooling. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended March 19, 1990.)

112-5-4. Paddock judge. (a) Each paddock judge shall exclude from the paddock each person who has no official business with any horse entered.

(b) Each paddock judge shall supervise the assembling of the horses scheduled to race, the saddling of horses in the paddock, the mounting of the jockeys and their departure for the post.

(c) Each paddock judge shall keep a record of all equipment carried by each horse in each race under the paddock judge's jurisdiction. Equipment carried by each horse shall not be changed without prior approval of the stewards. At the request of the stewards, each paddock judge shall report the equipment carried by any horse.

(d) Before each race, each paddock judge shall require the plater in attendance at the paddock to examine each horse entered and to determine whether the horse is properly shod. Each paddock judge shall report the findings of the plater immediately to the stewards.

(e) Any paddock judge may permit a horse to be lead to the post by a properly licensed pony person.

(f) Each paddock judge shall report any irregularity to the stewards. (Authorized by and implementing K.S.A. 1987 Supp. 74-8804, as amended by 1988 HB 2774, Sec. 3; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989.)

112-5-5. Patrol judges. (a) The stewards shall determine the number of patrol judges needed for the orderly conduct of the race meet and shall direct the placing of the patrol judges at points of vantage about the racetrack subject to the approval of the commission.

(b) Each patrol judge shall be subject to the orders of the stewards and shall report to the stewards any incident affecting the conduct of a race that they observe. (Authorized by and implementing K.S.A. 1987 Supp. 74-8804, as amended by 1988 HB 2774, Sec. 3; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989.)

112-5-6. Placing judges and timers. (a) Each placing judge and timer shall occupy the judges' or stewards' stand when the horses pass the finish line. The placing judges and timers shall hand time, place the horses in correct order of finish and report the results of the race. In case of a dead heat or a disagreement about the correct order of the finish, the decision of the stewards shall be final. If an objection is made and sustained against the winner or any horse placed within the purse, this regulation shall not prevent the placing judges from correcting any mistake subject to confirmation by the stewards.

(b) If the placing judges disagree about the order of finish, the placing judges shall inspect a photograph of the finish. A determination by a majority of the placing judges shall establish the order of finish, and that determination shall be final. If the winning range is less than half a length, or if the horses are widely spaced across the track, a photograph of the finish shall be inspected by the placing judges and an identical copy shall be posted for public observation.

(c) Each placing judge shall consider only the position of the horses' noses when determining the most forward point of progress. (Authorized by and implementing K.S.A. 1987 Supp. 74-8804, as amended by 1988 HB 2774, Sec. 3; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989.)

112-5-7. Clerk of scales. (a) Each clerk of scales shall be responsible for the presence of each jockey in the jockey room at the appointed time and shall verify that each jockey has a current occupation license.

(b) Each clerk of scales shall have the scales checked for accuracy by a certified person before the beginning of the race meet and at least once each 30 days thereafter during the race meet.

(c) Each clerk of the scales shall verify the correct weight of each jockey at weighing-out and weighing-in and shall immediately report any discrepancy to the stewards.

(d) Each clerk of scales shall be responsible for the security of the jockeys' room, the conduct of the jockeys and the conduct of the jockey attendants.

(e) Each clerk of scales shall:

(1) Promptly report to the stewards each infraction of the regulations pertaining to weight, weighing, riding equipment or conduct;

(2) provide an accounting of all data required on the scale sheet and submit that data to the "horsemen's bookkeeper" at the end of each race day;

(3) maintain the record of applicable winning races on each apprentice certificate at the meet; and

(4) release the apprentice certificate to the apprentice jockey at the close of the meet or upon the apprentice jockey's departure. (Authorized by and implementing K.S.A. 1987 Supp. 74-8804, as amended by 1988 HB 2774, Sec. 3; effective, T-112-1-19-89, Jan. 19, 1989; effective, April 10, 1989.)

112-5-8. Racing secretary. (a) Each racing secretary shall write and publish conditions of each race and shall distribute them to "horsemen" as far in advance of the closing of entries as possible. The racing secretary shall submit the first condition book for each race meeting to the commission for approval 30 days before printing.

(b) Each racing secretary shall be responsible for safe keeping of the registration certificates during the race meet and shall return the certificates to the trainers on request or at the conclusion of the race meet. The racing secretary shall record the winning races for the horses on the forms supplied by the breed

registry, which shall remain attached to the registration certificate.

(c) Each racing secretary shall maintain a list of horses stabled at the racing facility and the stalls assigned to each trainer. Each racing secretary shall update the list daily and provide a copy of the most current list to the stewards and the commission's security director each week.

(d) Each trainer shall maintain a record of the stall location of each horse in the trainer's care. The trainer shall provide this information to the commission upon request.

(e) The racing secretary shall:

(1) Take entries;

(2) check eligibility;

(3) close entries;

(4) select the races to be drawn;

(5) conduct the draw;

(6) post the overnight sheet;

(7) compile the official program; and

(8) discharge such other duties as required by the regulations or directed by the stewards. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended March 19, 1990.)

112-5-9. The identifier. (a) The identifier shall identify each horse starting in a race. Each identifier shall inspect documents of ownership, eligibility, registration or breeding as may be necessary to ensure proper identification of each horse that is eligible to compete in a race meet.

(b) Each identifier shall immediately report to the paddock judge and the stewards each horse that is not properly identified or any irregularities reflected in the official identification records.

(c) The identifier shall ensure that each horse is properly shod before departure for the post.

(d) The identifier shall report to the stewards and to the commission on general racing practices observed and shall perform other duties as the commission may require. (Authorized by and implementing K.S.A. 1988 Supp. 74-8804; effective, T-112-1-19-89, Jan. 19, 1989; effective April 10, 1989; amended March 19, 1990.)

112-5-10. The mutuel manager. (a) For purposes of these regulations, the mutuel manager shall be the individual who is responsible for overseeing the operations of the mutuel department and the money room.

(b) The mutuel manager shall have knowledge of all aspects of the Kansas racing commission rules and regulations pertaining to parimutuel wagering and shall perform the following duties:

(1) supervise all mutuel employees, including all mutuel tellers;

(2) be responsible for the training, scheduling and job performance of all mutuel employees;

(3) maintain efficient customer relations and oversee the services provided to patrons at the mutuel windows on a race by race basis;

(4) be responsible for working directly with the tote department in order to help oversee the tote operations and to assist in comparing prices and verifying mutuel payoffs; and

(5) report all pertinent parimutuel activity to the racing judges and stewards. (Authorized by K.S.A. 1993 Supp. 74-8804; implementing K.S.A. 74-8816 and K.S.A. 1993 Supp. 74-8818; effective Sept. 6, 1994.)